

REMARKS

Claims 1-26 are pending in the present application. Claims 3-11 and 16-24 were withdrawn from consideration. By virtue of this response, claims 1, 2, 12-14, and 26 have been cancelled; claim 25 has been amended to specify the cell lines recited in the claim; and new claims 27-49 which depend from claim 25 have been added. Accordingly, claims 15, 25, and 27-49 are currently under consideration.

Applicants respectfully note that the Examiner indicated in the Office Action that claims 15 and 25 are free of prior art and are allowable.

Support for the amendment of claim 25 is found in the specification, such as in paragraphs [0057] and [0040]. Support for new claim 27 is found in the specification, such as in paragraph [0018]. Support for new claim 28 is found in the specification, such as in paragraph [0030]. Support for new claim 29 is found in the specification, such as in paragraphs [0111] and [0115]. Support for new claims 34-45 is found in the specification, such as in paragraphs [0017], [0018] and [0010]. Support for new claims 46-49 is found in the specification, such as in paragraph [0010]. No new matter is added.

With respect to all claim amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in a future continuation and/or divisional application.

Statement of the Substance of the Interview

Applicants' representative Jie Zhou wish to thank Examiner Davis for the time and helpful comments spent during the telephonic interview on October 22 and 28, 2008. In accordance with MPEP 713.04, this response contains a summary of the substance of the interview. The Examiner and the Applicants' representative discussed claim amendments submitted in this response.

Claim Rejections – 35 U.S.C. § 112, First Paragraph, Written Description

The Examiner rejects claims 1-2, 12-14, and 26 under §112, first paragraph for lack of clear written description of the “conformational epitope” of B7H3L.

Applicants respectfully traverse this rejection. However, in the interest of expediting prosecution, claims 1-2, 12-14 and 26 have been canceled. Thus, this rejection is moot. Applicants respectfully request that this rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 112, First Paragraph, Enablement

The Examiner rejects claims 1-2, 12-14, and 26 under 35 U.S.C. §112, first paragraph for lack of enablement for an antibody that binds to a conformational epitope of B7H3L, and being able to deliver a therapeutic agent to a cancer cell expressing B7H3L.

Applicants respectfully traverse this rejection. However, in the interest of expediting prosecution, claims 1-2, 12-14 and 26 have been canceled. Thus, this rejection is moot. Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 415072002500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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